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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 DONALD L. STRATTON,

12 Plaintiff,

13 v.

14 K. REYNOLDS,

15 Defendant.

Case No. C08-5418RBL

ORDER TO SHOW CAUSE

16 This matter comes before the court on plaintiff's filing of an application to proceed *in forma pauperis*,
17 which has been previously granted, and the submission of a complaint (Doc. 4) for service. The Court, having
18 reviewed the record finds the following:

19 1. Plaintiff's complaint is deficient. Plaintiff names the "K. Reynolds" as the sole defendant in the
20 complaint. The complaint states Plaintiff received an infraction for either the unauthorized use of over-the-
21 counter medication or the failure to take prescribed medications. Plaintiff alleges he sent a "kite" or a
22 letter to the prison authorities regarding his medications and he was instructed to wait until "call-out".
23 Plaintiff states defendant is responsible for scheduling appointments because of his job title – "secretary
24 senior."

25 In order to state a claim under 42 U.S.C. § 1983, a complaint must allege that (1) the conduct
26 complained of was committed by a person acting under color of state law and that (2) the conduct deprived
27 a person of a right, privilege, or immunity secured by the Constitution or laws of the United States. Parratt
28 v. Taylor, 451 U.S. 527, 535 (1981), *overruled on other grounds*, Daniels v. Williams, 474 U.S. 327 (1986).

1 Section 1983 is the appropriate avenue to remedy an alleged wrong only if both of these elements are present.
2 Haygood v. Younger, 769 F.2d 1350, 1354 (9th Cir. 1985), *cert. denied*, 478 U.S. 1020 (1986). In addition,
3 plaintiff must allege facts showing how individually named defendants caused or personally participated in
4 causing the harm alleged in the complaint. Arnold v. IBM, 637 F.2d 1350, 1355 (9th Cir. 1981). A defendant
5 cannot be held liable under 42 U.S.C. § 1983 solely on the basis of supervisory responsibility or position.
6 Monell v. New York City Dept. of Social Services, 436 U.S. 658, 694 n.58 (1978). A theory of *respondeat*
7 *superior* is not sufficient to state a § 1983 claim. Padway v. Palches, 665 F.2d 965 (9th Cir. 1982).

8 Here, plaintiff's complaint does not set forth a cognizable claim, nor does the complaint appear to
9 name an individual who personally participated in the alleged deprivation. Accordingly, this court orders the
10 following:

11 (i) Plaintiff shall seek to cure these deficiencies by filing **an amended complaint on the court**
12 **approved form by not later than August 25, 2008**. If plaintiff fails to cure these deficiencies this court will
13 recommend dismissal of this matter as frivolous..

14 (ii) The Clerk is directed to send copies of this Order, the § 1983 Civil Rights Complaint form, and
15 the General Order to plaintiff.

16 DATED this 24th day of July, 2008.

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18 /s/ J. Kelley Arnold
19 J. Kelley Arnold
20 United States Magistrate Judge
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